

Texas House votes to ban wastewater discharge permits along 'pristine' streams

[Madlin Mekelburg](#)

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The Texas Hill Country is known for its picturesque waterways, including natural springs, artificial lakes and secluded swimming holes — and the residents who work to defend them.

But the population of the Hill Country, like Austin, is booming, leading to [an increase in entities looking to build sewage treatment plants](#) that discharge treated wastewater into neighboring waterways.

Residents and environmental activists, who worry that the nutrient-rich discharge will affect the ecological balance in the water and potentially lead to algae blooms and other problems, have fought construction of these plants through numerous avenues — including at the Texas Capitol.

For years, these activists have pushed lawmakers to block the issuance of new discharge permits in areas deemed sensitive, including the contributing zone of the Edwards Aquifer, but the legislation has languished in committees and failed to make it to the full House or Senate for consideration.



But this year, a bill that would prevent new wastewater discharge permits along stream segments across the state that are considered “pristine” has navigated legislative hurdles and was approved 82-61 Tuesday by the Texas House.

“In cases where you have this pristine water — where you can look down and read the serial number on your water skier or inner-tube or see the dirt under your toenails — a wastewater plant just doesn’t fit,” said John Byrum, executive director of the Nueces River Authority. “We want to try and keep those streams pristine. We want our kids and grandkids to be able to enjoy them the same way we did.”

Defining a 'pristine' Texas stream

Rep. Tracy King, D-Batesville, the bill's author, said the legislation is designed to preserve the “pristine clarity” of rivers and streams that are currently “crystal clear” by preventing the Texas Commission on Environmental Quality from issuing discharge permits along those stream segments considered pristine in the bill.

Streams that meet the definition have been shown to have existing phosphorous levels below 0.06 milligrams per liter in 90% of all water quality samples taken in the body of water over the past 10 years.

High phosphorus levels contribute to high algae growth in waterways, according to Brian Zabcik, who organizes campaigns focused on wastewater for the Save Barton Creek Association.



“Nitrogen and phosphorus are the byproducts of the sewage treatment process,” Zabcik said. “The very act of treating raw sewage so it is at least clean enough to discharge into a stream or lake, that very process creates higher levels of nitrogen and phosphorus.”

King estimated that roughly 28 stream segments from across the state fit that definition and would be protected under his proposal, including roughly 40 miles of Barton Creek and 78 miles of Onion Creek.

“All treated water does, even when treated to its highest purity standard, when introduced to pristine water, it causes algae blooms, oxygen depletion, loss of clarity and other negative side effects,” King said in the House on Monday.

Bans on discharge permits do exist in certain areas, including streams in the recharge zone of the Edwards Aquifer, a source of drinking water. The recharge zone is the area where surface water seeps through limestone karst into the aquifer.

Discharge permits issued by the TCEQ in areas without bans include pollutant limits, although [a report](#) from Save Barton Creek Association found that publicly owned sewage treatment plants in Central Texas exceed those limits with “disturbing frequency.”

House Bill 4146 exempts municipalities and river authorities from its ban on new wastewater permits, as the Guadalupe-Blanco River Authority has resisted similar restrictions in the past.

Zabcik said that addition means the bill “isn’t as good as we would have liked because it does not say that there is a complete ban on new discharge permits,” but it was the only way to move the bill forward.



Opposition from development

But HB 4146 raised the ire of the Texas Association of Builders, which represents home builders, remodelers and developers.

Scott Norman, executive director of the Texas Association of Builders, said limiting the bill to prohibiting domestic wastewater discharge permits is unfair.

“Doing a blanket prohibition across the board is going to have ramifications on housing in certain areas of the state,” Norman said. “Rep. King and the advocates behind the bill, their goal is worthwhile and I understand it. But ... we think there may be a better way to environmentally regulate this than a blanket prohibition.”

King said the bill targets domestic treated water — from housing, shopping centers and any construction — because it contains higher levels of phosphorus than treated wastewater from industry.

During Monday's debate before initial passage of the bill, Rep. Cecil Bell, R-Magnolia, proposed an amendment that would allow discharge permits to be issued to private entities in some cases, as long as those permits contain strict pollutant limits for the effluent.

King initially accepted the amendment to his proposal and House lawmakers voted to advance the bill. But he later asked the chamber to reconsider the proposal and vote to remove Bell's amendment.

"Mr. Bell, he builds sewer treatment plants, and he asked me to work with him on an amendment that would allow some," King said, noting that he further reviewed the amendment and heard from bill supporters who said it would make "the situation worse than it is today and actually set up criteria and a scenario that could destroy some of these pristine rivers."

The House ultimately voted to remove Bell's amendment.

"It can be construed that this only affects pristine streams," Bell said. "But at the end of the day, what it affects, ultimately, is every single entity that has an impairment, which involves every single district in this building. Every single one of you has an impaired stream at some point."

"I would urge that we kill this bill. It is bad policy. It is bad policy in the area it contends to protect and it does not need to be the policy in the state of Texas."

King resisted that characterization of his proposal and said that it is not an "anti-development bill," as it targets specific and limited stream segments. It also still allows private developers to dispose of treated effluent by other means, including by land application through surface irrigation or evaporation.

"We've talked about protecting these rivers for many, many years," King said Tuesday. "Today, we have the opportunity to do something that, in the big scheme of things, is not going to take anything away from the development community."



Young Life camp

Also opposing the bill is the Camping Association for Mutual Progress, an organization representing various camps in Texas.

Courtney Read-Hoffman, a lobbyist hired by the group, said it supports the intent of the bill and protecting pristine waterways in the state, but that the organization and the camps it represents were not consulted when the bill was drafted.

Summer camps in the Hill Country would be among the entities affected by HB 4146, as the legislation specifically targets private developers.